

REMARKS

Claims 1-5 are currently pending in this application.

The following remarks are responsive to the Office action dated February 24, 2005.

Information Disclosure Statement

* A Third Supplemental Information Disclosure Statement is being submitted herewith to address the comments presented by the Office in paragraphs 2 and 3 of the Office action and the annotations provided on the Information Disclosure Statements attached to the Office action. Specifically, the foreign documents and non-patent literature from the Information Disclosure Statements dated April 8, 2004 and April 20, 2004 are being resubmitted herewith for reconsideration. Copies of these foreign and non-patent literature references are enclosed. Also enclosed are the available English language abstracts for some of the non-English language references including DE 39 23 289.

References 110 and 113 are not in the English language nor were English language abstracts or translations available. The requirement for a concise explanation of relevance under 37 C.F.R. 1.98(a)(3) is satisfied by submission of a copy of the PCT search reports (cite nos. 119 and 120) in which they were cited because the search report is in the English language and indicates the degree of relevancy. MPEP 609(A)(3).

Applicants respectfully request consideration of the references cited in the Third Supplemental Information Disclosure Statement.

Response to Objections to the Specification

The specification is amended herein in response to the objections raised in paragraph 1 of the Office action. In view of these amendments, the specification is submitted to be in proper form.

Response to the Rejections of the Claims

Claim 1

The present invention is directed to a recloseable package for interlabial pads so that the pads can be carried in purses, backpacks, briefcases, etc. in a hygienic environment until needed. Thus, the pads are prevented from becoming dirty and/or damaged. Further, the pads are maintained by the package in a common location which makes them easy to find when needed.

Particularly, claim 1 is directed to a package of interlabial pads for carrying a supply of the pads in hygienic condition in such manner as to maintain them in hygienic condition and to be readily available for use in hygienic condition when needed. The package comprises a receptacle, a supply of pads in the receptacle, said receptacle having an opening through which a pad may be withdrawn for use when needed, said receptacle having a reclosable closure for closing the opening, said closure being closed for carrying the pads in hygienic condition and for continued carrying in hygienic condition of the pads remaining in the receptacle after withdrawal of a pad, said receptacle comprising a bag having front and back walls joined at the sides and bottom with said opening at the top, said closure comprising press-fit members extending across the walls adjacent the opening.

Claim 1 is submitted to be patentable over the references of record, and in particular U.S. Patent No. 6,059,100¹ (Jones), in that the references fail to show or suggest a package of interlabial pads for carrying a supply of the pads in hygienic condition comprising a supply of pads in the receptacle and a receptacle having an opening through which a pad may be withdrawn for use when needed.

As shown in Figs. 1-5, Jones discloses a feminine hygiene product disposal system 10 comprising a main container 12 with an interior 14 and a sealable top 16. A plurality of disposal containers 20 for holding used feminine hygiene products are placed in the interior 14 of the main container 12. The plurality of disposal containers 20 includes a pair of outer disposal containers 21 and at least one interior disposal container 23 positioned between the outer disposal containers. Each of the disposal containers 21, 23 are separable from adjacent containers.

Applicants respectfully disagree with the Office's characterization of Jones. Jones lacks any disclosure or suggestion for placing feminine hygiene pads in the container (20). In short, Jones merely discloses a container of "disposal bags", not feminine hygiene products such as interlabial pads, as recited in claim 1. Accordingly, Jones fails to disclose a supply of pads in the receptacle and a closure being closed for carrying the pads in hygienic condition and for continued carrying in hygienic condition of

¹ The Jones reference was identified in paragraph 6 of the Office action as U.S. Patent No. 6,168,022, which is issued to Ward et al. Based on the Office's description of the Jones reference, Applicants have assumed that the Examiner was referring to U.S. Patent No. 6,059,100.

the pads remaining in the receptacle after withdrawal of a pad, as recited in claim 1.

For these reasons, claim 1 is submitted to be unanticipated by, nonobvious in view of, and patentable over the references of record including Jones.

Claims 2-5 depend directly or indirectly from claim 1 and are submitted to be patentable over the references of record for the same reasons as claim 1.

CONCLUSION

In view of the above, applicants respectfully request favorable reconsideration and allowance of claims 1-5.

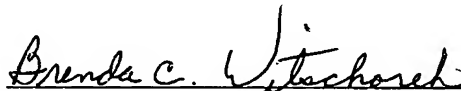
Respectfully submitted,



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CERTIFICATE OF MAILING

I certify that this Amendment A in the application of Bechyne et al., Serial No. 10/761,042, filed January 20, 2004, is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 10th day of May 2005.



Brenda C. Witschorek

RLB/PEB/bcw
*Enclosures